

FILED

December 2 2014

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. AF 09-0688

FILED
Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA
Case Number: AF 09-0688

DEC 02 2014

IN RE PETITION FOR ADOPTION OF RULE 5.5(d)(1)
OF THE MODEL RULES OF PROFESSIONAL
CONDUCT

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA
ORDER

The Montana Petroleum Association has asked the Court to revise the Montana Rules of Professional Conduct by adding a provision to address multijurisdictional practice by attorneys who provide legal services exclusively to one client as an employer. The proposed provision, which appears in the Model Rules of Professional Conduct as Rule 5.5(d)(1), would be added to the Montana Rules of Professional Conduct as Rule 5.5(b). That rule would then read as follows:

RULE 5.5: UNAUTHORIZED PRACTICE OF LAW

(a) A lawyer shall not:

- (1) practice law in a jurisdiction where doing so violates the regulation of the legal profession in that jurisdiction; or
- (2) assist a person who is not a member of the bar in the performance of activity that constitutes the unauthorized practice of law.

(b) A lawyer admitted in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services in this jurisdiction to the lawyer's employer or its organizational affiliates and are not services for which the forum requires pro hac vice admission.

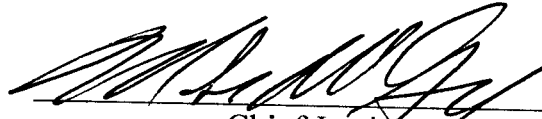
[Proposed new language is highlighted.]

IT IS ORDERED that public comments will be accepted on the above proposed revision to the Montana Rules of Professional Conduct for 90 days following the date of this Order. Such comments shall be filed, in writing, with the Clerk of this Court.

This Order will be published on the Montana Supreme Court website, and the State Bar of Montana is asked to post notice of this Order on its website and in the next available issue of the *Montana Lawyer*.

The Clerk is directed to provide copies of this Order to counsel for the Montana Petroleum Association and to the State Bar of Montana.

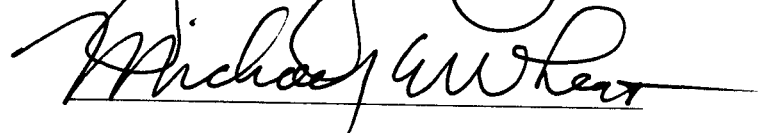
DATED this 2nd day of December, 2014.

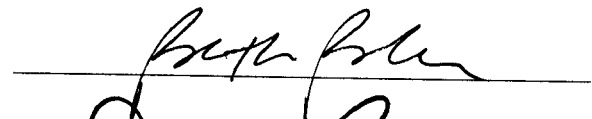

Chief Justice

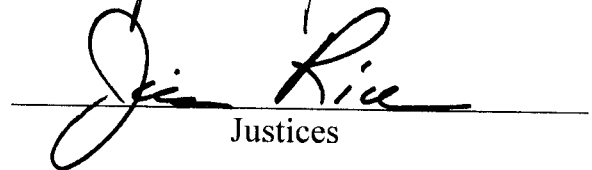


Patricia Cotter








Justices